REMARKS

Claims 1 to 29 are pending in this patent application. No claims have been amended, canceled, or added, herein. Applicants respectfully request reconsideration of the requirement for restriction in view of the following remarks.

Restriction Requirement

The Office requires applicants to restrict the claimed subject matter to one of three groups of inventions under 35 U.S.C. §§ 121 and 372. The claims of each group, and the subject matter said to be associated with each group, are set forth in the table below.

Group	Claims	Subject Matter
I	1 to 12	A method of treating a condition associated with ocular neovascularization in a subject comprising administration of a peptide comprising the amino acid sequence of SEQ ID NO: 1, SEQ ID NO: 2, SEQ ID NO: 3, SEQ ID NO: 4, or SEQ ID NO: 5.
II	13 to 19	A method of treating cancer in a subject comprising administration of a peptide comprising the amino acid sequence of SEQ ID NO: 1, SEQ ID NO: 2, SEQ ID NO: 3, SEQ ID NO: 4, or SEQ ID NO: 5.
III	20 to 25[1]	A pharmaceutical composition or a kit comprising a peptide comprising the amino acid sequence of SEQ ID NO: 1, SEQ ID NO: 2, SEQ ID NO: 3, SEQ ID NO: 4, or SEQ ID NO: 5.

The Office acknowledges that the claims are directed to the special technical feature of the amino acid sequence of SEQ ID NO:2, and points out that this technical feature defines a contribution over the prior art.[2] Despite this, the Office asserts that unity of invention is lacking because the claims are allegedly directed to more than one distinct method of use, which

[1] Applicants assume that claims "20 to 25" is a typographical error and the correct claims for group III are claims 20 to 29, since the Office's description of the subject matter of group III includes kits, which are recited in claims 26 to 29.
[2] Office action dated March 30, 2010, page 2.

supposedly destroys unity of invention under PCT Rule 13.2. Applicants respectfully traverse the restriction requirement because PCT Rule 13.2 permits inclusion in a patent application of both an independent claim directed to a product ***and*** an independent claim directed to a use of the product, without destroying unity of invention. Requiring restriction between the methods of group I and the products of group III and the methods of group II and the products of group III is therefore improper under Rule 13.2, and applicants accordingly ask the Office to withdraw the restriction requirement, or at the very least to revise it to allow election of both a product and a method for use of the product, at permitted by Rule 13.2.

In order to comply with the requirement to elect one of groups I to III in accordance with 37 C.F.R. § 1.499, applicants hereby provisionally elect the subject matter of group III for prosecution on the merits, directed to a pharmaceutical composition or a kit comprising a peptide comprising the amino acid sequence of SEQ ID NO: 1, SEQ ID NO: 2, SEQ ID NO: 3, SEQ ID NO: 4, or SEQ ID NO: 5, and encompassing claims 20 to 29.

Conclusion

Applicants believe that the foregoing constitutes a complete and full response to the official action of record. Accordingly, an early and favorable action is respectfully requested.

Respectfully submitted,

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